

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

December 11, 2012

**California RCRA/C 3011 SFY 2012 End of Year Report
(Grant ID# D-00936312)**

This report evaluates California's complete hazardous waste management program (RCRA/C) and includes a discussion of the grant activities that California formally committed to complete. It evaluates California's hazardous waste management activities and results from July 1, 2011 to June 30, 2012, the first year of its three-year cooperative agreement (grant).

California was authorized to implement the RCRA/C program in lieu of U.S. EPA on August 1, 1992. California was authorized to implement a revised RCRA/C program on September 26, 2001.

Executive Summary

We commend the Department of Toxic Substances Control for meeting all of its core commitments in the Hazardous Waste Management cooperative agreement Workplan. This is a significant accomplishment in times of smaller budgets and reduced resources.

Program Accomplishments

DTSC continues to operate a robust compliance monitoring and enforcement program, using RCRA funds to complete 130 inspections, 25 financial responsibility reviews, and collect \$3,246,757 in penalties from formal enforcement settlements. We appreciate DTSC's effort to address our request to separate RCRA and non-RCRA funded inspection and enforcement activities. It helps us better understand how grant funds are utilized.

The Permitting and Cleanup Programs have achieved their GPRA goals for federal FY 2012 and the programs are well positioned to continue meeting these goals for the next federal fiscal year. DTSC has met the grant commitments for US-Mexico Border Program, participating in activities to support development of the Border 2020 Program, the new eight-year program that follows Border 2012.

The Pollution Prevention and Green Technology program has made significant progress on the California Green Business Network, especially on the ability to capture and report program metrics.

EPA commends DTSC for successfully assuming the lead in issuing EPA ID numbers for federal hazardous waste handlers. This is an important responsibility for authorized states. This was due in large part to a strong partnership to plan and prepare for the transition from U.S. EPA to DTSC.

Program Recommendations

Data continues to be a challenge for tracking Hazardous Waste Program accomplishments at DTSC. Entering program accomplishments into RCRAInfo is not only an important part of recording work completed, it is a delegated program responsibility. RCRAInfo is EPA's database of record that is used for the Hazardous Waste Program nationally. RCRAInfo is a primary source of information used by EPA Headquarters, Congressional inquiries, and the White House's Office of Management and Budget to understand the national and regional RCRA program accomplishments and needs. An accurate accounting of the work completed and the work still necessary under the Hazardous Waste program is important because it can be a factor in determining future funding levels.

Most programs at DTSC are maintaining some data in RCRAInfo, but much of this data does not match up with the data reported in DTSC's end of year self assessment. The data issues are detailed in the body of this report. In most cases DTSC's accomplishments are under reported in RCRAInfo. EPA wants the information in RCRAInfo to accurately reflect DTSC's achievements. DTSC should develop and implement data entry and data quality control procedures that ensure all relevant program data are entered into RCRAInfo. EPA and DTSC should continue to discuss methods for improving data entry into RCRAInfo.

Conclusion

DTSC is doing very well in all of its core program areas that support the Hazardous Waste Program. EPA understands that there are difficult challenges ahead with decreased resources and we appreciate the chance to provide feedback and suggestions for developing program priorities. EPA is committed to better understanding DTSC's challenges and supporting DTSC in achieving its goals.

I. Compliance Monitoring and Enforcement

A. Inspection Program Accomplishments

Despite the impact of the State of California's ongoing financial issues on DTSC, the Enforcement and Emergency Response Program (EERP) reported completing 130 RCRA funded inspections and 202 non-RCRA funded facility inspections. EERP also reported handling 182 formal complaints and completing 91 criminal investigations. A total of 47 financial responsibility reviews were conducted, with 27 RCRA funded and 20 non-RCRA funded. Some of these activities cannot be verified since the reporting of these activities is not entered into EPA's RCRAInfo database of record.

EERP conducts active oversight of electronic waste collectors and recyclers, conducting 76 inspections of recyclers, 69 inspections of collectors, and 14 inspections of appliance recyclers. DTSC continues to provide leadership in finding non-compliance in this sector and pursuing appropriate enforcement.

EERP has an active Used Oil Team that focuses on this previously under-inspected sector. DTSC hired a contractor to conduct 34 inspections of used oil facilities. None of the facilities had a Class 1 violation which is an improvement in compliance compared to last year when enforcement actions were initiated at 30% of all used oil facilities inspected.

EERP devotes considerable resources toward addressing the concerns of communities in environmental justice areas. Based on information and tips provided by community members, EERP has completed 6 settlements and has 9 ongoing investigations at facilities in Imperial County, the Inland Valley, and Los Angeles County.

California's Regulated Universe¹						
Active TSD	Inactive TSD	Land-fills	Combustion	LQG	SQG	Transporters
64	176	3	2	4,815²	48,348³	959

Table 1 – California's Regulated Universe

¹ Per RCRAInfo reports pulled 9/21/12 (except transporter universe from DTSC's HWTS system)

² EPA obtained a copy of DTSC's manifest databases and estimated the LQG universe to be 1293 based on the number of generators that shipped 12 tons or more of RCRA hazardous waste in calendar year 2011. These data inaccuracies should be addressed.

³ Includes numerous facilities that have not de-activated their ID numbers.

Inspection Accomplishments			
Type of Facility	Workplan Commitment	Outcome Reported in EOY	Number Reported in RCRAInfo
Operating TSD	37 – 39	52	46
Post-Closure Facilities	7 – 11	7	10
Incinerators	-- ¹	2	2
Generators	7	9	29
Transporter	--	32	3
Other (E-waste, FRRs, etc.)	--	170	92

Table 2 – Inspection Accomplishments

¹In the workplan DTSC indicates that these inspections will be conducted as resources are available, but does not commit to a specific number.

Note: California's hazardous waste program is both broader in scope and more stringent than the federal program. For example, under California regulations, some facilities are considered TSDs, but under federal regulations, and in RCRAInfo, these facilities would be categorized as waste generators. Additionally, a facility categorized as a small quantity generator in RCRAInfo could be a state-waste-only large quantity generator. Therefore, the individual inspection and enforcement outcomes reported by DTSC are difficult to reconcile with what is reported in RCRAInfo.

Inspection Summary

1. TSD Inspections. DTSC reported 52 compliance evaluation inspections at operating RCRA TSDs in the End of Year Self Assessment. There are 46 operating RCRA TSD inspections entered in RCRAInfo. The commitment of 37-39 inspections was exceeded. Both facilities with incinerators were inspected. EERP reported 7 inspections at post-closure (PC) TSDs. There are 10 compliance evaluation inspections at PC facilities entered in RCRAInfo. The number of PC TSDs inspections is within the commitment range of 7-11 inspections.
2. Generators. DTSC reported conducting 9 generator inspections. RCRAInfo shows 29 compliance evaluation inspections at LQs and SQs, and an additional 92 other types of inspections at LQs/SQs. The commitment of 7 has been met and exceeded.
3. Transporters. DTSC reported conducting 32 transporter inspections. Because transporters are often also listed as waste generators, it is difficult to determine the number of these inspections in RCRAInfo. At least 3 inspections in the database appear to be transporter-only inspections.
4. Used Oil. DTSC's Used Oil Team reported conducting inspections at 8 used oil transporters, 2 used oil transfer facilities, and all 5 permitted used oil recycling facilities. RCRAInfo does not identify used oil facilities as a separate universe, so EPA cannot

distinguish these used oil inspections from generator inspections.

5. Other. DTSC reported a total of 170 inspections, including 25 financial record reviews (FRR), non-financial record reviews and 145 e-waste inspections. Only 92 of these inspections are shown in RCRAInfo. This discrepancy may be a result of e-waste and FRR at facilities not having an EPA identification number, so these inspections are not registered into RCRAInfo. DTSC also reported completing 18 non-RCRA funded FRRs. Of the 76 e-waste recycler inspections, 4 resulted in a formal enforcement action. Of the 69 e-waste collector inspections, 3 resulted in formal enforcement.
6. Complaints. DTSC reported receiving 652 formal complaints, with 517 referred. There are currently 69 of these complaints under investigation by EERP.

B. Enforcement Program Accomplishments

EERP reported initiating 50 administrative/civil cases and settling 51 with penalties totaling \$3,922,857. Of these 51 settled cases, 21 were RCRA funded cases with penalties totaling \$3,246,757. The remaining 30 cases were non-RCRA funded cases with penalties totaling \$676,100.

Enforcement Actions						
Agency Action	Total Number (RCRA and non-RCRA) Reported	RCRA Cases	Number Reported in RCRAInfo	Number ¹ Timely (%)	Criteria (days)	Goal (%)
Informal Actions	NA	NA	80	78 (98%)	150	80%
Formal Actions Initiated	50	20	30	8 (27%)	240	80%
Settlements (of admin. penalty orders)	51	21	26	15 (58%)	360	80%
Enforcement SEPs ²	4	3	4	NA	NA	NA

Table 3 – Enforcement Actions

¹ Number of timely per RCRAInfo data

² SEP = Supplemental Environmental Project (includes California Compliance School)

C. Key Compliance Program Indicators

Trends of Key Compliance Program Indicators (As Reported in RCRAInfo)			
<u>Indicator</u>	<u>FY 2010</u>	<u>FY2011</u>	<u>FY2012</u>
Inspections (CEIs, FUIs, FCIs)	148	156	207
Operating TSDF Inspections	38	47	46
Inspections w/ Violations	59 (40%)	76 (49%)	74 (36%)
Inspections w/SNC¹	13 (9%)	25 (16%)	28 (14%)
Informal Actions	75	89	80
Timeliness of Settlements	48%	47%	58%
Settlements	29	19	21
Average # of days to settle	582	670	646
Fines and Penalties	\$1,183,216	\$1,598,752	\$3,411,057
SEPs²	6	0	4
Value of SEPs	\$103,850	\$0	\$13,000

Table 4 – Trends of Key Compliance Program Indicators

¹ SNC (significant non-complier)

² DTSC's definition of Supplemental Environmental Projects differs from EPA's definition, as DTSC may include referrals to the California Compliance School and reimbursement of compliance costs.

DTSC's data indicates that only 8 of their 30 cases were initiated in less than 240 days. However, more than half (58%) of their cases are settled in less than 360 days. In addition, the average number of days to settle cases reflects the complexity of some of their enforcement case development.

D. CUPA Program Activities

Oversight of the 83 local government agencies (Certified Unified Program Agencies - CUPAs) that implement the RCRA generator compliance program as well as 7 other statutes in California presents a formidable challenge. DTSC needs significant resources to ensure adequate oversight and the continuing development of CUPAs hazardous waste inspection and enforcement program. During SFY12, EERP responded to 48 questions on RCRA, participated in 31 CUPA program evaluations, and conducted 36 CUPA oversight inspections.

DTSC provided training and technical assistance on an as-needed and as-requested basis to specific CUPAs. DTSC also provided multiple hazardous waste generator trainings,

including 12 sessions of the California Compliance School. In addition, the training provided at the CUPA conference provides invaluable guidance to local government agencies on the hazardous waste program.

Imperial County and Trinity County Programs: CalEPA has designated DTSC as the CUPA for Imperial and Trinity Counties. DTSC performed 109 hazardous waste generator inspections in Imperial County and 21 hazardous waste generator inspections in Trinity County. One formal enforcement action in Imperial County was settled for \$27,500. Out of a total 130 inspections, the information from only 1 inspection, in Imperial County, has been entered into RCRAInfo.

E. Issues and Recommendations

1. **Issue:** California's data in RCRAInfo does not accurately reflect accomplishments. The data in RCRAInfo significantly underreports the work and accomplishments that DTSC reported in the end-of-year self assessment. For example, of 234 inspections reported by DTSC in their end-of-year report, RCRAInfo includes only 182 inspections. Additionally, because of the differences in the federal vs. state program, the numbers DTSC provides are difficult to reconcile with the data in RCRAInfo. Since financial assurance data are not kept in DTSC's Envirostor, it is also not updated in EPA's RCRAInfo and therefore DTSC's accomplishments cannot be verified.

Recommendation: DTSC should develop data entry and quality control procedures that ensure all components of their RCRA inspection and enforcement program are reflected in RCRAInfo data. DTSC should periodically run RCRAInfo reports, and ensure all RCRA accomplishments are being entered. All RCRA accomplishments need to be recorded in RCRAInfo, since this database is the official Federal database of record that is used for Congressional inquiries, GPRA reporting, and tracking of RCRA accomplishments by EPA HQ.

2. **Issue:** DTSC reported in their end-of-year report that they had missed 18 RCRA funded financial record review commitments. Assessing facilities' financial assurance and determining whether adequate funds are available for closure and clean up is a national priority. The commitments were missed because the Financial Assurance Unit was operating with a reduced staff of analysts: three analysts rather than four.

Recommendation: DTSC should fill the analyst position as soon as possible and assess whether four analysts are sufficient to complete the future work load.

3. **Issue:** Enforcement accomplishments for Imperial and Trinity County Programs are not reflected in RCRAInfo. CalEPA designated DTSC as the CUPA for Imperial and Trinity counties. DTSC performed 109 hazardous waste generator inspections in Imperial County and 21 hazardous waste generator inspections in Trinity County. One formal enforcement action in Imperial County was settled for \$27,500. Only one inspection, in Imperial County, has been entered into RCRAInfo. This problem is a common issue among CUPAs.

Recommendation: DTSC should enter the information into RCRAInfo as soon as possible. DTSC should establish a procedure for entering data into RCRAInfo. DTSC should periodically run RCRAInfo reports, and ensure all RCRA accomplishments are being entered. DTSC should be a model for other CUPAs to follow.

II. Permits

A. GPRA Goals

U.S. EPA and DTSC agreed upon and memorialized GPRA Permit goals in the cooperative agreement Workplan. Table 5 outlines these goals, which are measured in the number of approved controls in place completed at hazardous waste facilities during the project period. DTSC's Office of Permitting is responsible for this task.

The following are considered approved controls in place:

1. Final approval of an initial permit
2. Final approval of a renewal permit
3. Final approval of a post closure permit
4. Closure with an approved post closure permit
5. Clean closure verification

Approved controls in place are necessary to ensure that hazardous waste facilities are operating in a manner that protects human health and the environment.

GPRA Metric	2010-2011		2011-2012		2012-2013		2013-2014	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Approved Controls in Place	7	7	8	8 ¹	8		8	

Table 5 – Permit GPRA Goals and Accomplishments Summary

¹DTSC met the GPRA goal for federal FY12, but 2 of these accomplishments occurred outside the July 1, 2011 to June 30, 2012 project period. DTSC accomplished 6 approved controls in place during this period.

B. Program Accomplishments

DTSC met its goals, putting forth a good effort to approve initial permits, permit renewals, closure verifications, and catch up on the backlog. Data cleanup in Envirostor has been effective and it is reflected in RCRAInfo. This is a good start but, more work is needed ensure data are complete and accurate.

Similar to 2009 and 2010, DTSC overcame staff shortages and supported EPA Region 9 to meet its GPRA target goal of permit commitments. DTSC's permit staff, technical support staff, and data management staff persevered and maintained their focus on achieving their permit commitment and maintenance activities.

California's 2011-2012 GPRA Permit Accomplishments		
Facility/ID #	Approved Control in Place	Completion Date
1. Kinsbursky Bros Supply, Inc. CAD088504881	Initial Permit	6/14/2011 ¹
2. Clean Harbors Wilmington CAD044429835	Initial Permit	9/15/2011
3. Dupont CAD009151671	Post Closure Permit	12/7/2011
4. Kopper (Beazer) CAD009112087	Data Cleanup (Transferred to CERCLA)	-
5. Diablo Canyon Power Plant CAD077966349	Renewal Permit	6/18/2012
6. Pacific Resource Recovery CAD008252405	Initial Permit	5/23/2012
7. Safety-Kleen (Former Reedley Recycle Center), Reedley CAD093459485	Clean Closure	8/8/2012 ¹
8. Detrex Corporation CAD020161642	Data Cleanup (Clean Closure)	-

Table 6 – Permit Accomplishment Details

¹These actions occurred outside the July 1, 2011 to June 30, 2012 project period.

EPA commends DTSC for continuing to prepare and provide us with a valuable Multi-Year Strategy that tracks and projects future target accomplishments for GPRA Permit Baseline facilities. Additionally, we'd like to thank DTSC for providing EPA with timely project updates and participating in GPRA status meetings with EPA's RCRA Permitting GPRA liaison Mike Zabaneh throughout the fiscal year. These regular meetings are helpful forums for discussing milestones and annual target projections. We appreciate DTSC's collaborative effort on issues surrounding the Kettleman PCB and hazardous waste permits and hope to continue a fruitful partnership especially in challenging permit actions such as the upcoming permit at Buttonwillow. We will continue to work with DTSC to synchronize their targeted baseline facilities with their permit teams, closely coordinating and tracking DTSC's progress toward achieving this goal.

C. GPRA Planning

EPA appreciates the high level of coordination between our two permitting programs. Additionally, we value the opportunity to review significant state permits, such as the three major RCRA "C" landfills in California. Allowing EPA the opportunity to review these large permits and others that are in Environmental Justice communities helps EPA ensure consistency in permit conditions for like facilities throughout Region 9.

DTSC and U.S. EPA use the Multi-Year Strategy to work together to track GPRA Permit workload planned over the next 5 years to meet GPRA Permit goals. The Multi-Year Strategy summarizes sites where DTSC has been delegated RCRA authority, including cleanup sites managed by DTSC's Brownfields and Environmental Restoration Program as well as sites overseen by the Regional Water Quality Control Boards (RWQCB). DTSC is responsible for coordinating with the RWQCBs on any issues affecting achievement of GPRA goals.

DTSC has kept U.S. EPA updated on their progress, keeping the Multi-Year Strategy up to date to help with GPRA planning for 2012 and 2013. The Multi-Year Strategy is very helpful for U.S. EPA in understanding the previous year backlog and the current and future workload.

In the future, EPA recommends incorporating the Multi-Year Strategy into the cooperative agreement Workplan to ensure that goals are properly aligned with cooperative agreement commitments. Including the Multi-Year Strategy may also give DTSC some flexibility in meeting the GPRA goal by allowing substitutions of facilities from a group of eligible sites to achieve the overall goal commitment.

Based on DTSC's performance management, California should be able to meet next year's permit commitments set forth in the Workplan.

D. Data Management

DTSC's Data Team cleaned up the permitting data entered into Envirostor, eliminating errors and filling data gaps such as correcting facility legal and operating status codes and adding expiration dates for facility permits. The investment in cleaning up data has resulted in a more accurate universe count in the RCRAInfo database and in the EPA HQ reports.

DTSC worked hard to synchronize Envirostor database fields with RCRAInfo database fields so that Envirostor uploads are done automatically to RCRAInfo on a monthly basis, as required in the grant Workplan.

Developing quality assurance and quality control procedures, which includes data audits and validation, will help DTSC ensure the permitting data are complete and accurate.

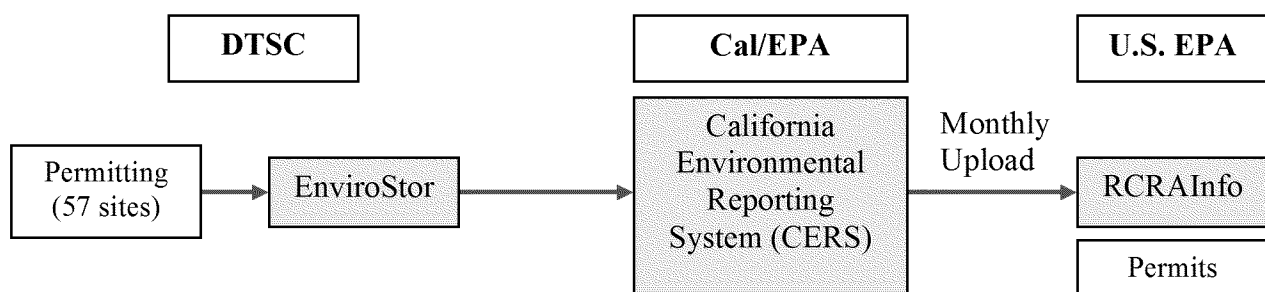


Figure 1 – Permitting Data Flow from DTSC to RCRAInfo

E. Issues and Recommendations

1. **Issue:** Quality assurance and quality control procedures have not been established to ensure data going into RCRAInfo is complete and accurate.

Recommendation: DTSC should establish and implement quality assurance and quality control procedures to ensure that information entered into RCRAInfo is complete and accurate.

2. **Issue:** Audits and validation of data entered into RCRAInfo should to be carried out on a quarterly basis.

Recommendation: DTSC should audit and validate the completeness and accuracy of data entered into RCRAInfo at least once per quarter. At a minimum, quality control procedures should require DTSC to audit data in RCRAInfo and confirm to EPA via email that it is accurate on a quarterly basis. This is a requirement in the current Workplan.

III. Corrective Action

A. GPRA Goals

EPA's 2020 Corrective Action goal is to achieve human exposures under control, groundwater under control, and remedy construction at 95% of the baseline facilities. The GPRA baseline for California has 245 sites. In order to be on track to meet the national 2020 GPRA goals, the 2012 target is to have human exposures under control at 81%, groundwater migration under control at 69%, and remedies constructed at 46% of the base line facilities.

B. Program Accomplishments

DTSC exceeded each of the three goals. At the end of 2012, DTSC's GPRA cumulative percentage accomplishments were: (a) human health exposure under control at 90% of the baseline facilities, (b) migration of contaminated groundwater under control at 71% of the baseline facilities, and (c) remedy constructed at 47% of the baseline facilities. In FY2012 DTSC accomplished 15 new Human Exposures Under Control, 17 new Ground Water Migration Under Control, and 20 new Remedy Construction goals.

GPRA Metric	2010-2011 Accomplishment	2011-2012 Goal	2011-2012 Accomplishment	2012-2013 Goal	2020 Goal
Human Exposures Under Control	84%	81%	91%	85%	95%
Groundwater Under Control	64%	69%	72%	73%	95%
Remedy Construction	39%	46%	48%	51%	95%

Table 7 – Corrective Action GPRA Goals and Accomplishments
Note: The GPRA baseline for California has 245 sites.

The Corrective Action GPRA partnership between EPA and DTSC is exemplary. EPA and DTSC share a common goal and commitment to achieve the GPRA goals and the results demonstrate the effectiveness of the partnership. DTSC is exceeding all three goals and the projections indicate that DTSC will be able to meet the 2020 goal of having 95% of the facilities achieving all three goals. Much credit and thanks goes to Rizgar Ghazi, DTSC GPRA Coordinator, for providing successful leadership in meeting the annual goals this year and setting the strategy for future success. EPA looks forward to continuing our successful working relationship with Rizgar and with the Division Chief, Ray LeClerc. FY 2012 has been an enjoyable and successful year.

C. GPRA Planning

DTSC maintains and updates projections for each of its 245 baseline sites. During FY2012, EPA and DTSC updated the schedules for completion for the facilities in the Southern California offices. EPA recommends that this effort continue annually for all four Regional offices. The information maintained on each of the 245 baseline sites is essential for planning out-year commitments and long-term strategies. EPA plans to hire a contractor in FY 2013 to assist DTSC in finalizing certain GPRA accomplishments. It is EPA's priority in 2013 to accomplish and document as many Human Exposures Under Control as possible. In most cases, DTSC, the Regional Water Boards, or EPA has been working on these sites for more than 20 years and we should have achieved Human Exposures Under Control by now.

D. Data Management

Corrective action GPRA accomplishments are transferred from DTSC's EnviroStor database to Cal/EPA's California Environmental Reporting System (CERS) database and then to RCRAInfo on a monthly basis.

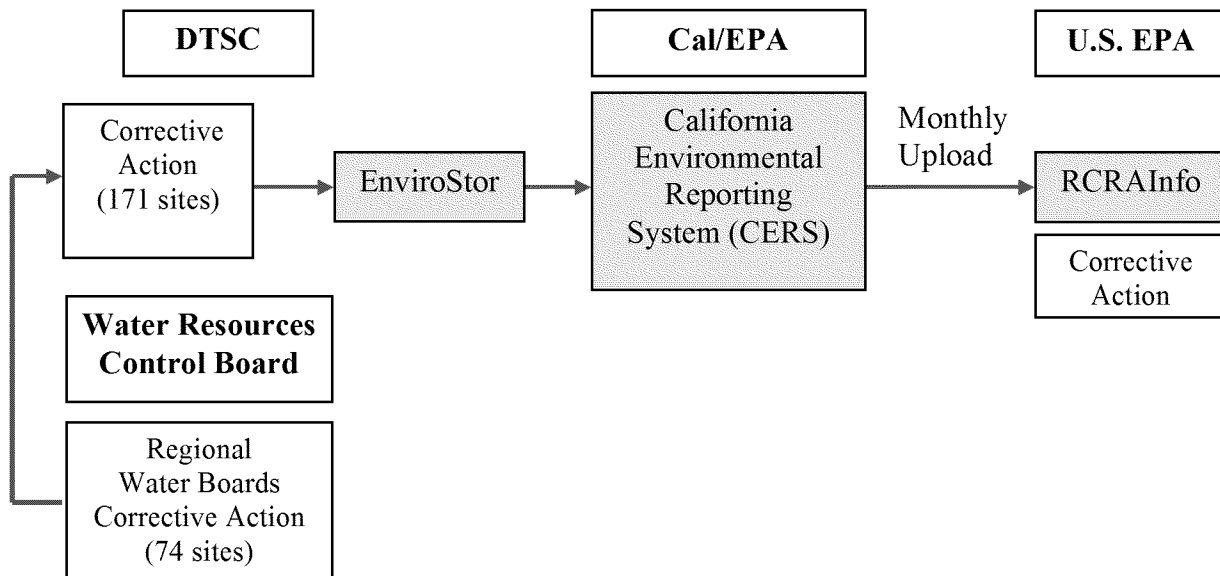


Figure 2 – Corrective Action GPRA Data Flow from DTSC and Water Resources Control Board to RCRAInfo

DTSC is doing a good job reporting on progress in meeting GPRA goals by transferring data to RCRAInfo every month.

A Data Management Team has been assembled to oversee regional staff facility information review and cleanup between DTSC's Database and U.S. EPA's RCRAInfo system. To ensure the cleanup project's success, DTSC has committed 100 hours per project manager to database cleanup for each year of the grant.

E. Issues and Recommendations

1. **Issue:** In the past fiscal year, many re-evaluations were completed on sites that previously met one or more of the goals instead of new sites.

Recommendation: Documenting GPRA accomplishments on sites that have yet to meet the goals should be DTSC's first priority. If DTSC has the resources to re-evaluate sites, EPA recommends that DTSC focus on sites that accomplished the goals in the late 1990's and early 2000's, since these accomplishments have the greatest probability of not having supporting documentation.

2. **Issue:** Quality assurance and quality control procedures have not been established to ensure data going into RCRAInfo is complete and accurate. A significant number of Corrective Action GPRA accomplishments were accidentally removed from RCRAInfo during a routine data upload by DTSC. EPA discovered the errors and notified DTSC. DTSC fixed the errors after they were notified. It is DTSC's responsibility to ensure the accuracy and completeness of the state data in RCRAInfo.

Recommendation: DTSC should establish and implement quality assurance and quality control procedures to ensure that information entered into RCRAInfo is complete and accurate. This is a requirement in the current Workplan.

3. **Issue:** Audits and validation of data entered into RCRAInfo should be carried out on a quarterly basis.

Recommendation: DTSC should audit and validate the completeness and accuracy of data entered into RCRAInfo at least once per quarter. At a minimum, quality control procedures should require DTSC to audit data in RCRAInfo and confirm to EPA via email that it is accurate on a quarterly basis. This is a requirement in the current Workplan.

IV. Data Management

A. Program Accomplishments

DTSC performs quarterly uploads for Permitting data and monthly uploads for Corrective Action and Compliance Monitoring and Enforcement (CM&E) data in RCRAInfo via CDX. More work is necessary, but these are steps in the right direction. CM&E does not

cover all data, as discussed in the CM&E section. Because of California's improved process and accuracy of data in Envirostor, DTSC met their grant commitment of entering state data into RCRAInfo for CM&E, Permits, and Corrective Action. As mentioned, developing and implementing a robust quality assurance and quality control process to ensure the completeness and accuracy of this data is an important next step.

EPA appreciates DTSC's significant amount of effort in processing the Biennial Report for the 2011 cycle. Some of the main challenges have been developing expertise at DTSC to perform quality control on reports received from handlers and accurately inputting this data into RCRAInfo.

EPA commends DTSC for taking action to transition as the lead for issuing EPA ID numbers for federal hazardous waste handlers. This is an important core RCRA responsibility for authorized states. DTSC successfully began issuing EPA ID numbers on the first day of the state FY13. This was due in large part to the tremendous effort during FY12 to plan and prepare for the transition.

B. Issues and Recommendations

1. **Issue:** All the required Financial Assurance (FA) data has not been uploaded into RCRAInfo and there is no established process for uploading FA data on a regular basis. EPA understands that the FA Unit has only 3 out of 4 total analyst positions filled and that slow internet speeds at the Cal Center Office have hampered data entry efforts.

Recommendation: DTSC should prioritize uploading FA data into RCRAInfo to make it current up to September 30, 2012. After the data are up to date, DTSC should develop a process for entering FA data on a regular basis. We suggest using a functional module in Envirostor. Three modules in Envirostor already successfully upload into RCRAInfo. EPA is available to provide DTSC with support in developing a plan to regularly upload FA data into RCRAInfo. As with other programmatic data, a quality assurance and quality control process should be developed and implemented to ensure data are accurate and complete.

2. **Issue:** In previous years, LQG's with California-issued EPA ID's used those same state ID's to submit their federal BR forms (8700-13) for RCRA hazardous waste. This resulted in hundreds of new federal EPA IDs being created during the BR upload for California-issued IDs.

Recommendation: DTSC should consider building a quality check into the Biennial Report data entry process so that DTSC only accepts data from valid federal RCRA EPA IDs for the final BR upload.

3. **Issue:** DTSC did not meet all the requirements and deadlines specified in the Workplan for the Biennial Reporting System (BRS), including the following tasks:
 - a. Provide EPA with a list of all RCRA LQGs and TSD facilities operating within California during the 2011 Biennial Reporting survey cycle.

- b. Provide EPA with DTSC's training and outreach plan and schedule for the regulated community.
- c. Collect all forms no later than March 1, 2012 from the regulated community. EPA understands over 1000 facilities that submitted in the previous BRS cycle had not submitted forms to DTSC by March 1, 2012.
- d. Perform quality assurance and quality control on data received by EPA. EPA was not able to generate QA/QC reports for DTSC to correct errors because DTSC missed the BRS data entry deadlines in July and August.

Recommendation: DTSC should review the requirements specified in the Workplan for the BRS. EPA and DTSC should meet to discuss lessons learned from the previous cycle and develop a strategy to ensure all necessary steps are taken and resources are available to ensure a smooth process for the 2013 BRS cycle. Purchasing CROMMER compliant software to input data into RCRAInfo is an example of one important investment that may improve the workload for the 2013 BRS cycle.

V. Mexico Border

A. Program Accomplishments

DTSC has met the RCRA grant commitments for US-Mexico Border Program Activities. DTSC participated in activities to coordinate and support the development of the Border 2020 Program, the new eight-year program that follows Border 2012. DTSC has been fully engaged in the Border 2020 program planning activities and remains a committed partner to implement projects being proposed in the Border 2020 Action Plan, a new planning tool under the new border program.

DTSC continued to coordinate with Mexican officials to consult on import/export compliance and enforcement matters related to hazardous wastes. DTSC also performed compliance inspections at the ports of entry. There were no compliance assistance or pollution prevention activities targeted for the border program planned this year, but DTSC has been engaged in planning compliance assistance training for the next two years.

No capacity building activities were carried out this past year. Under Border 2020, DTSC has been engaged in discussions to support border program training related to hazardous materials management, site contamination and pollution prevention.

B. Issues and Recommendations

DTSC should provide details to EPA's Border program coordinator on any pollution prevention program activities planned for the border so that it can be tracked in the Border 2020 Action Plan for years 2012-2014.

VI. Pollution Prevention

A. Program Accomplishments

EPA is impressed with the environmental results reported for the CA Green Business Network. DTSC deserves great credit for its support of both program expansion and the measurement system for reporting results. It is notable that a number of cities are considering establishing a program, even given some of the funding challenges experienced by existing programs. We also want to thank DTSC and the participating agencies for entering the results in the national P2 Results database.

DTSC has provided a clear response to past concerns that the Workplan and progress reports were too general and covered a broad range of activities. We are glad to see this report focuses on three program areas, and provides meaningful results on progress on two out of the three. We recognize that the Green Chemistry work is still in progress.

B. Issues and Recommendations

1. **Issue:** From the report it appears that DTSC has spent much considerable effort since September 2011 to increase compliance with the SB14 reporting requirements. We understand the need to focus on compliance, but it would be interesting to see some preliminary information on practices and results from the large number of reporting facilities.

Recommendation: If possible, provide preliminary results from the SB14 Summary Progress Reports that have been received to date. Of specific interest would be actual reductions achieved through pollution prevention, but it also would be helpful to see some breakdown of the types of facilities, industry sectors, waste streams, and process types that have been reported.

VII. Authorization

There were no activities related to authorization during the July 1, 2011 – June 30, 2012 project period. California applied for final authorization of revisions to State Hazardous Waste Management Program during the July 1, 2010 – June 30, 2011 project period. EPA reviewed California's application and determined that the revisions satisfy all of the requirements necessary to qualify for final authorization.

VIII. Grant Administration

Personal changes at EPA and DTSC resulted in new Project Officers assigned to manage the grant. EPA is committed to maintaining a strong relationship and re-engaging regular communication with DTSC. We have developed a plan for quarterly meetings for the Director of the Waste Management Division and the Director of DTSC as well regular calls and meetings with each of the five Program Areas: Compliance Monitoring and Enforcement, Permits, Corrective Action, Border, and Pollution Prevention.

We are working with DTSC to revise the cooperative agreement Workplan to meet EPA HQ guidance for each task to have measurable results. The Workplan tracks all cooperative agreement commitments and requirements, such as reporting, inspection commitments, and GPRA goals.

DTSC has been making draw downs on a regular basis during the current project period. The total draw downs from July 1 up until July 3, 2012 total \$7.5 million. This is on target at about 4% above the \$7.2 million budget for the July 1, 2011 – June 30, 2012 period. We will continue to monitor grant draw downs and progress towards achieving Workplan accomplishments.